

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First-Named Inventor: George J. Rebane
Application No.: 09/538,570
Date Filed: March 29, 2000

Docket No.: BIZ/99-0008
Art Unit: 3623
Examiner: Andre D. Boyce

Title: SYSTEM AND METHOD FOR DATA COLLECTION, EVALUATION,
INFORMATION GENERATION, AND PRESENTATION

Assistant Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
OR IN A NAFTA OR WTO MEMBER COUNTRY TO
OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. § 1.131)**

Sir:

I declare based on my personal knowledge and/or belief:

1. The evidence indicated below shows that subject matter claimed in the above-referenced U.S. patent application (the "Application") was invented at a date prior to the effective date of reference cited to reject such claims (the "Reference"). The Reference is U.S. Patent Publication No. 2003/0033299, having an earliest possible filing date of January 20, 2000.

2. I am the first named inventor and have responsibility over the application and related documentation, including invention disclosure forms.

3. I am familiar with the following attached document, which is submitted as evidence in support of this declaration:

Attached as Exhibit 1 is a copy of "ThruFlow System - Patent Notes". Attached as Exhibit 2 is the EKG Announcement.

4. Although there may be records of earlier conception, Exhibits 1 and 2 show that subject matter claimed in the Application was conceived before the effective filing date of the Reference. [The dates on the Exhibits have been redacted.]

5. Based on my familiarity with the invention claimed in the application, from conception to constructive or actual reduction to practice, diligence was maintained as to the inventions claimed in the Application.

TIME OF PRESENTATION OF THE DECLARATION

This declaration is submitted before final rejection.

DECLARATION

As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES

Inventor: George J. Rebane

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Respectfully submitted,

By 

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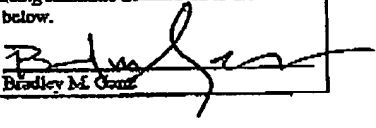
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CERTIFICATE OF MAILING or TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at (703) 872-9300, on the date indicated below.

(Date) 5/14/2004(Signature)
(Name)
Bradley M. Ganz

ThruFlow System - Patent Notes**1. General****1.1. Overview**

The ThruFlow system embodies a new methodology and means to generate market research information for online merchants whose performance is being monitored and reported by their customers. Its preferred implementation is on the WWW of the Internet. ThruFlow uses inputs from an online point-of-sale surveying system (e.g. as provided by BizRate.com) and outputs its information in the form of marketing research reports and 'continuously' varying metrics on a website which may be accessed by the merchant or appropriate third parties. The specific data handling, processing, and presentation components of the system permit consumers' ratings and other data to be aggregated, processed, and formatted for display on a short 'time late' basis of the order of less than six hours.

1.2. Claim Areas**1.2.1. Short 'time late' MR****1.2.2. Online collection of consumer and merchant data****1.2.3. RRAFed (Response Rate Alarm Filter) input data channels****1.2.4. STARES makes it possible****1.2.5. Rapid processing****1.2.6. Predictor Suite****1.2.6.1. XCOR (Cross Correlation) Series****1.2.6.2. XFR (Transfer) Function Series****1.2.6.3. SALIM (Saturation Limited) Forecasting****1.2.7. Publishing on MORE****1.3. References**

Exhibit 1

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2. Specification Points

3. 'Vital Signs' Family of Products

3.1. *Alug*

3.1.1. *ag*

3.1.1.1. *kjhkh*

4. 'PROFET' Family of Products

5. Case Handling

6. Report Construction

7. User Interface

Exhibit 1
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EKG™ Announcement (draft)

Binary Compass Enterprises, the home of Internet's BizRate online e-commerce rating service, announces a new era in the delivery of market research information to online clients. BCE's proprietary E-Kommercer Graph™ or EKG™ service now offers daily updates of all key performance measures and indexes for today's Internet merchant.

Based on advanced estimation techniques first pioneered in the space sciences, EKG uses the results of the last 24 hours of consumer survey results and updates each of hundreds of performance, importance, and index trendlines. These are then made available at the BizRate public access website and the BizRate merchant and syndicated subscriber websites.

With today's rapidly changing buying patterns on the Internet, the introduction of EKG enables the business decision maker to be only a click away from getting the latest information. The days of getting monthly reports containing the results of even more dated reporting periods are over.

Background material extracted from 11aug98 memo to Farhad. ... One of the exciting threads for future products and services I have been pondering and want to develop for us comes under the working name of EKG – E-Kommercer Graph. EKG is a suite of 'realtime' data processing tools that literally take the pulse of an e-merchant and output 1) current economic parameters (the estimated state and covariance) along with 2) prediction of their future values (predicted state and covariance) with associated uncertainties.

The EKG software subsystems would initially run on our servers and automatically issue thresholded alerts and notices about individual clients, merchandizing categories, the Internet industry, etc. These notices could be (semi)automatically be emailed to the clients who subscribe to the various EKG 'packages' of online, realtime indicators. At a later date we could make certain EKG packages available for installation on the customers site. There the customer would subscribe for a 'realtime' data feed from us which would let him run the EKG indicators locally along with customized graphic output formats, thresholds, alerts, 'expert notices', etc. In short, our clients would use EKG to keep their 'thumb on the pulse' of their business throughout the working day and eagerly read summarized EKG reports when they get to the office. We could, of course, configure a push version of EKG packages that would let them monitor their operation continuously from wherever they are. EKG would also have an API that could take the computed outputs and input them to whatever JIT and other business decision software they would want to run locally.

EKG will be implemented as a suite of smart Bayesian estimators whose 'knobs' are controlled/driven by a set of neural and causal networks which do online data mining and interpretations/translations under parametrized uncertainties (which are also continually updated). This processing architecture will let us gain the best of both worlds – deep data mining that yields quantified inferences and causal links about/between actionable state variables, and the ability to optimally estimate and predict the direction of these variables in the context of a 'stateful system' for which a transfer function can be developed. Any such transfer functions we develop and maintain will be worth their weight in ...

Product Variation Examples.

- STARES Performance Values
- STARES Buyers Best Ratings
- STARES 'At Risk Threshold' Variants
- STARES Relative Strengths (per merchant/segment/industry)

(These don't include the PROFET™ series of predictive products based on XCOR, XFR Function, and Population Saturation methodologies.)

Exhibit 2
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